

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEXTER E. DALE,
Plaintiff,

v.

DONALD C. POMPAN, M.D., ET AL.,
Defendants.

No. C 05-1842 JSW (PR)

**FURTHER ORDER OF SERVICE
OF DEFENDANT LOUGH;
INSTRUCTIONS TO CLERK**

(Docket no. 23)

Plaintiff, a prisoner of the State of California, currently incarcerated at the Correctional Training Facility in Soledad, California, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983, complaining of deliberate indifference to his serious medical needs. On February 27, 2007, the Court denied summary judgment as to Defendant Fernandez and ordered the Clerk to request a forwarding address for Defendant Nurse L. Lough from the Legal Affairs Department of the California Department of Corrections and Rehabilitation (“CDCR”) so that the Court could order a further attempt at service by the United States Marshal (“USM”). On May 3, 2007, after CDCR was unable to provide a current address for Lough, the Court ordered Plaintiff to provide the Court with sufficient information regarding unserved Defendant Lough to allow for service. After receiving an extension of time to do so, Plaintiff has provided an address that he alleges to be Lough’s current address. The Court will order the USM to serve Lough at that address, as provided below.

1 1. The Clerk of the Court shall issue summons and the United States Marshal shall
2 serve, without prepayment of fees, a copy of the complaint and all attachments thereto with all
3 attachments thereto, and a copy of this order upon:

4 **Lillian Marie Lough**
5 **1544 75th Ct., E**
6 **Tulsa Oklahoma 74136.**
7 **(918) 496-8137**

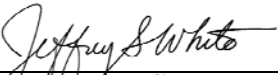
8 2. The Court previously cautioned Plaintiff that his failure to provide Lough's
9 correct location to allow the USM to effectuate service would result in the dismissal without
10 prejudice of the claims against Lough under Federal Rule of Civil Procedure 4(m). *See*
11 *Walker v. Sumner*, 14 F.3d 1415, 1421-22 (9th Cir. 1994). **Consequently, if the USM is**
12 **unable to serve Lough at the address provided by Plaintiff, the claims against Lough will**
13 **be dismissed without prejudice.**

14 3. Within **45 days** of the date this order is filed, defendant Lough shall file an
15 answer to the complaint, in conformity with the Federal Rules of Civil Procedure.

16 4. The Court has established a Pro Se Prisoner Mediation Program, under which
17 prisoner civil rights cases may be referred to a neutral Magistrate Judge for mediation. As
18 summary judgment has been denied as to Plaintiff's claims against Defendant Fernandez, the
19 Court finds the instant matter suitable for mediation proceedings. After service of Defendant
20 Lough has been resolved, the instant case will be referred to Magistrate Judge Vadas for
21 mediation proceedings pursuant to the Pro Se Prisoner Mediation Program.

22 IT IS SO ORDERED.

23 DATED: June 4, 2008

24 
25 _____
26 JEFFREY S. WHITE
27 United States District Judge
28

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5
6 DALE,

7 Plaintiff,

8 v.

9 FERNANDEZ et al,

10 Defendant.
11 _____/

Case Number: CV05-01842 JSW


CERTIFICATE OF SERVICE

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on June 4, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
17 receptacle located in the Clerk's office.

18 Dexter E. Dale
19 D-14750
20 P.O. Box 689
21 Soledad, CA 93960-0689

22 Dated: June 4, 2008

23 
24 Richard W. Wieking, Clerk
25 By: Jennifer Ottolini, Deputy Clerk
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